



ACTS and LAWS,

Made and passed in and by the General Court or Assembly of the State of CONNECTICUT, in America, holden at New-Haven, (in said State) on the second Thursday of October, Anno Domini, 1797.

An Act, in alteration of an Act, entitled, "An Act for regulating the election of Senators and Representatives for this State in the Congress of the United States."

BE it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That the Freemen of the several Towns in this State, at a Freemen's Meeting in April, regulate the election of Senators, in the year seventeen hundred and ninety-eight, and once in two Years thereafter.

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after, shall each give in his Vote or Suffrage, for eighteen instead of fourteen Persons, such as he judges qualified to stand in Nomination for Election in the Month of October then next following, as Representatives of the People of this State, in the Congress of the United States in the same manner as is directed in said Act; and eighteen Persons who have the greatest number of Votes in the State, shall be the Persons to stand in said Nomination—Any thing in said Act notwithstanding.

An Act, in addition to and in alteration of an Act, entitled, "An Act for the recovery of Debts out of the Estate, or Effects of absent or absconding Debtors."

To recover debts out of effects of absconding debtors.

PAR. 1. Be it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That when any Action shall be brought, agreeable to the provisions of said Act, against any absent or absconding Debtor, before any Assistant or Justice of the Peace, such Assistant or Justice, in case the Debtor be not in this State, and no Attorney, Factor, Agent or Trustee appear to defend in the Suit, shall adjourn the same for a term not less than three Months, and not more than nine Months, and then without special matter alledged and allowed in bar or abatement, such Action shall come to trial before said Assistant or Justice; and if Judgment be rendered for the Plaintiff, such Judgment shall have the same effect in securing the Goods or Effects of said absent or absconding Debtor, in the Hands of his Attorney, Agent, Factor or Trustee, as though the same had been rendered by the County or Superior Court.

Scire Facias made returnable before justice of peace, when demand does not exceed 15 dollars.

2. And be it further enacted, That when any *Scire Facias* shall be brought against any Attorney, Factor, Agent or Trustee of any absent or absconding Debtor, on any Judgment rendered by an Assistant or Justice of the Peace, such *Scire Facias* shall be signed by the Assistant or Justice rendering such Judgment; and where the demand in such *Scire Facias* does not exceed fifteen Dollars, shall be made returnable before the same Assistant or Justice; but where the demand in such *Scire Facias* shall exceed the sum of fifteen Dollars, the same shall be made returnable before the County Court in that County, where the Plaintiff or Defendant in such *Scire Facias* dwells: And if the Assistant or Justice rendering such Judgment, shall be removed from Office by Death or otherwise, before any *Scire Facias* is taken out thereon, such Writ of *Scire Facias* may be signed by and (when the demand does not exceed fifteen Dollars) be made returnable before any Assistant or Justice, as in other cases; but where the demand shall exceed the sum of fifteen Dollars, such Writ of *Scire Facias* shall be made returnable before the County Court as aforesaid.

3. And be it further enacted, That the Goods or Effects of any absent or absconding Debtor, shall not be holden or secured in the hands of his Attorney, Agent, Factor or Trustee by virtue of any judgment rendered by any Court against said Debtor, nor shall such Attorney, Agent, Factor or Trustee be liable to satisfy such judgment out of his own proper Goods or Estate, unless such Goods or Effects shall be demanded of such Attorney, Agent, Factor or Trustee, agreeable to the provisions of said Act, within sixty days from the time the same are liable to be demanded for the satisfaction of said judgment.

Effects in the
hands of Agent
to be demand-
ed within 60
days.

4. And be it further enacted, That no Writ of *Scire Facias* shall be maintained against such Attorney, Factor, Agent or Trustee, unless the same be brought within one year next after the right of taking out or bringing such *Scire Facias* shall have accrued.

Scire facias to
*be bro't with-
in one year.*

Provided, That when it shall appear on the hearing of such *Scire Facias*, that the Debt due to such Principal, was not payable when such demand was made on such execution, the Court shall allow such Garnishee his reasonable cost for defending against such *Scire Facias*, to be deducted out of the Debt so due.

*Cost allowed
Garnishee.*

Provided also, That if on such hearing it shall appear that the Debt due to such Principal is not yet payable, the court shall direct execution to be stayed until the time when such Debt would have become payable.

*Execution to
be staid till
debt fall due.*

An Act in addition to an Act, entitled, "An Act for instituting, defining and regulating the Office of Comptroller of the Public Accounts."

BE it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That whenever any Person shall decease, who at the time of his death shall be indebted to this State, it shall be the duty of the Comptroller of Public Accounts, to exhibit the Evidence of such Debt against the Estate of such deceased Debtor, as a Claim upon said Estate.

*Defining office
of Comptroll-
er.*

An Act authorizing an exemplification of the Laws of other States to be admitted as evidence in the Courts of this State.

BE it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That an exemplification by the Secretary of this State of the Laws of the several States in the

*Exemplifica-
tion of other
states by Sec-
retary.*

United States, which have been or shall hereafter be transmitted, Admissible ev- by order of the Executives or Legislatures of the same, to the Gov- idence in eror of this State, and by him deposited in the Office of said Sec- courts. retary, shall be admissible as evidence in any of the Courts of this State.

An Act in addition to an Act, entitled, "An Act against Gaming."

Gaming con-
tracts void.

PAR. 1. BE it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That all Contracts and Securities, made and entered into by any Person or Persons whatsoever, where the whole or any part of the consideration of such Contract or Security, shall be for Money or other valuable things whatsoever—won, laid or betted, at Cards, Dice, Tables, Tennis, Bowls, or any other Game or Games whatsoever, or at any Horse-rate or other sport or pastime, or on any Wager whatsoever, or for reimbursing or repaying any Money, knowingly lent or advanced at the time and place of such Play, Horse-racing or other sport or pastime—to any Person or Persons so Gaming, Betting or Wagering, or that shall at such time and place so Play, Bet or Wager, shall be utterly void.

Money lost at
gaming may
be recovered
back by per-
son losing.

2. And if any Person or Persons whatsoever, at any time hereafter within the space of twenty-four Hours, by playing at any Game or Games whatsoever, or by betting on the sides or hands of such as do play at any Game or Games, shall lose to any one or more Person or Persons so Playing or Betting, the Sum or value of One Dollar in the whole, and shall pay and deliver the same or any part thereof; the Person or Persons so losing and paying or delivering the same, shall be at liberty within three months then next following, to Sue for and recover the Money, or the value of any Goods so lost and paid or delivered, or any part thereof, from the respective Winner or Winners thereof, with Costs of Suit by Action of Debt, founded on this A&T, to be recovered in any Court of Record where the Sum or value thereof shall be cognizable; in which Action it shall be sufficient for the Plaintiff to alledge, that the Defendant is indebted to the Plaintiff, or received to the Plaintiff's use the Money so lost and paid, or the value of the Goods won of the Plaintiff, whereby the Plaintiff's Action accrued to him, according to the form of this Act, without setting forth the special matter: And the Defendant in such Action, shall be obliged to answer upon Oath, relative to the discovery of the Money or other things, so won at Play as aforesaid, if the Plaintiff shall desire the same; and if the defendant shall refuse to testify as aforesaid, Judgment shall pass against him as in case of *Nihil Dicet*.

3. And be it further enacted, That in case the party losing such Money or other thing as aforesaid, shall not within the time afore-

said, really and *bona fide*, without covin or collusion, sue and with effect Prosecute for the Money or other thing so lost and paid or delivered, it shall and may be lawful to and for any other Person, by action founded on this act, to sue for and recover treble the value thereof, with cost of suit against such Winner or Winners as aforesaid, the one Moiety thereof to the use of the Person gaming, suing for the same, and the other Moiety for the use of the County where said offence shall be committed.

Any other person may sue for money lost

Provided always, That whenever the Defendant shall upon the request of the Plaintiff, disclose upon Oath, according to the requirement of the third Paragraph of this Act, the facts by him disclosed in such Action shall not be admitted in evidence against him, upon any public Prosecution for the same offence.

An Act concerning Turnpike Roads.

BE it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That it may be lawful for any Person or Persons to make complaint to any County Court of any County, in which any Gate, at which Toll is taken, is or shall be erected on any Turnpike Road, that said Road is out of repair, and that the Toll taken at such Gate ought to cease; which Complaint shall be served on the Proprietors of such Gate, at least twelve days before the fitting of the Court, by leaving a true and attested Copy thereof with the Clerk of said Proprietors, or with any one of the Proprietors thereof, resident in this State; and said Court may enquire into the facts stated in said Complaint, by themselves or a Committee to be by them appointed, and upon satisfactory proof that the said Road is out of repair to such a degree that the Toll ought to cease, said Court shall order said Gate to be thrown open and said Toll to cease, until the further order of said Court; and said Court shall also award Costs of Prosecution, and thereupon said Toll shall cease and determine as aforesaid.

Any person may complain if a turnpike is out of repair, &c.

Provided, That if it shall appear to the satisfaction of such Court, that such Complaint is groundless, said Complainant shall be directed to pay the legal Costs accrued.

An Act to regulate Stage and other Carriage Drivers.

PAR. I. **B**E it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That whenever the Driver or Drivers of any Stage, Carriage, Coach, Chaise or any other Wheel Carriage for the conveyance of Persons, or of any Sleigh, or other Snow Carriage used for that purpose, which shall

Stage drivers, &c.

Carriages to turn partly out of path.

be travelling on any Road in this State, shall meet any other Carriage of any of the descriptions as aforesaid, conveying any Person or Persons in a contrary direction, and shall have occasion to pass each other, it shall be the duty of every such Driver or Drivers of such Stages or other Carriages meeting each other, if mutual safety require and the ground or way will permit, to turn or beat his Carriage each Driver to his right hand, or to slacken his or their pace or gait, or otherwise endeavor to give each to the other a fair and equal chance or advantage to pass.

Drivers hurting any person or carriages, &c. to pay threefold damages.

2. *Be it further enacted*, That if any Driver or Drivers of any such Stage or other Carriage or Carriages, shall by negligence or carelessness, contrary to the true intent and meaning of this Act, run against or strike any other such like Carriage, Horse or Horses drawing the same, and thereby cause or occasion any hurt, damage or injury, to any Person or Persons therein, or to such Horse or Horses, Carriage, Tackle or Furniture thereof, or shall in any manner as aforesaid run upon, hit and hurt or injure any Person or Persons travelling on Horseback or on Foot, who shall not by any blameable conduct have occasioned such hurt or damage; or if any such Driver or Drivers shall overrun or overtake any other such like Carriage travelling in the same course, and shall run against and strike the same, or any Horse or Horses therein, and thereby do or cause any hurt, injury or damage in any or either manner as aforesaid, such Driver or Drivers so offending in either case as aforesaid, shall forfeit and pay to the Person or Persons so hurt and injured, or suffering such damage or injury, threefold Damages and Costs of Prosecution, to be sued for and recovered by Action, Bill, Plaintiff or Information, before any Court proper to try the same.

Driver willingly injuring to pay fine.

3. *Be it further enacted*, That if any such Driver or Drivers, shall willingly and of design be guilty of any such Act or offence, whereby Injury or damage is done in any manner as aforesaid, such Person or Persons so offending, shall forfeit and pay to the Person or Persons so hurt or injured, besides such threefold Damages and Costs as aforesaid, as a Fine to the Treasury of the County where the offence is committed, if the Suit be brought before any County Court, a Sum not exceeding One Hundred Dollars, according to the nature and aggravation of the offence; and if before an Assistant or Justice, not exceeding Seven Dollars, to the Treasury of the Town where the offence is committed.

Owners of stage to be liable.

4. *Be it further enacted*, That the Owner or Owners of any such Stage or other travelling Carriage as aforesaid, shall be liable to pay and respond every and all Damages and Costs which may be recovered of any Driver or Drivers of any such Carriage, by virtue of this Act, if such Driver or Drivers shall not be able to pay the same, which in such case may be recovered of such Owner or Owners, by Writ of *Scire Facias*, before any Court proper to hear and determine the same.

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Listers. Salaries.

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An Act in addition to an Act, entitled, "An Act for the direction of Listers in their Office and Duty."

PAR. 1. **B** E it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That the Listers of the several Towns in this State, shall upon penalty of Thirty Dollars, transmit to the Comptroller of Public Accounts, on or before the first Tuesday which shall be next after the opening of the General Assembly in May annually, the sum total of the List of the School Society or Societies, or of a part of a Society in their several Towns, naming the Society to which such part belongs.

2. And in case the sum total of the Lists returned by the Listers of any Town as aforesaid, shall exceed the amount of the List of the whole Town, the surplus shall by the Comptroller be deducted from the Lists returned from such Town as aforesaid, in proportion to their several amounts, and the Comptroller shall add together the Lists of the parts of such Society as lies in several Towns, and shall apportion the annual Funds to the respective Societies, upon their Lists made as aforesaid.

3. Be it further enacted, That the Listers of the several Towns shall receive out of the Treasury of the Town to which they belong, after the rate of Twenty-five instead of Thirteen Cents for each Thousand Dollars, included in the sum total of the List of such Town, for their services in making up and returning the List of such Town agreeable to Law.

An Act in alteration of an Act, entitled, "An Act for regulating Salaries and Fees."

B E it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That a Sheriff's or Constable's Fee for levying every Execution exceeding Three Dollars and Thirty-four Cents, shall be One Cent and Three Milles on the regulated Dollar for every Dollar beyond that sum, and for each Mile travel out in the execution of their office, Four Cents and Two Milles — Any thing in said Act notwithstanding.

An Act for further continuing in force part of an Act, entitled, "An Act in addition to an Act, entitled, "An Act for regulating Salaries and Fees."

B E it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That the first Paragraph of

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Ideots. Military.

Act respecting said Act be and the same is hereby continued in force until the rising of the General Assembly in May next.
continued.

Sheriffs, &c.
fees for levying executions.
Provided nevertheless, That it shall be Lawful for Sheriffs and Constables to demand and receive for levying every Execution, exceeding Three Dollars and Thirty-four Cents, and for each Mile travel out, a sum equal to One Third of the Fees established for those services, by an Act passed the present Session, entitled, "An Act in alteration of an Act, entitled, "An Act for regulating Salaries and Fees," in addition thereto, and no more.

An Act to repeal the last clause of the Eighteenth Paragraph of an Act, entitled, "An Act for relieving and ordering of Ideots, Impotent, Distracted, and Idle Persons.

Civil Authority &c. may commit to goal infane persons.

Being enacted by the Governor and Council, and House of Representatives in General Court assembled, That the said last Clause of said Act, which is in the words following, (to wit) "And the said Civil Authority and Select Men may, if by them found necessary, order such Insane Person or Persons to be committed to the Goal, in that County where he or she dwells, there to be closely and securely kept, during the continuance of such Distraction or Insanity, or until released as is hereafter provided; which said Commitment shall be by Warrant, signed by an Assistant or the senior Justice of said Civil Authority, who shall order the same, and thereupon the Keeper of said Goal shall be fully authorized to receive such Lunatic, Insane or Distracted Person or Persons into such Goal, there to be kept as aforesaid," be and the same is hereby repealed.

An Act in further addition to the Law of this State, entitled, "An Act for forming and conducting the Military Force of this State."

Commandant of the companies of cavalry may recruit from battalions of infantry.

Being enacted by the Governor and Council and House of Representatives, in General Court assembled, That the Commandant of each Brigade, in this State, shall have power and authority to authorize the Commandant of the Companies of Cavalry belonging to his Brigade, to recruit their respective Companies from such of the Battalions of Infantry as he shall judge proper, preserving a due proportion, as Forty to Sixty-four.

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Fisheries. Defamation. Slaves. Peace.

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An Act to repeal part of an Act, entitled, "An Act for encouraging and regulating Fisheries."

BBe it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That the sixteenth and seventeenth Paragraphs of said Act, be, and the same are hereby repealed.

An Act to repeal part of an Act, entitled, "An Act for the punishment of Defamation."

BBe it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That the second Paragraph of said Act, be, and the same is hereby repealed.

An Act to repeal certain Paragraphs of an Act, entitled, "An Act concerning Indian, Mulatto, and Negro Servants and Slaves."

BBe it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That the first, second, third, fourth, fifth, sixth, seventh and eighth Paragraphs of said Act, be, and they are hereby repealed.

An Act to repeal part of an Act, entitled, "An Act against breaking the Peace."

BBe it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That the third Paragraph of said Act, be, and the same is hereby repealed.

An Act to Incorporate the New-Haven Insurance Company.

PAR. 1. **B**Be it enacted by the Governor and Council, and House of Representatives, in General Court assembled, That the Subscribers to the New-Haven Insurance Company, their Successors and Assigns, shall be, and are hereby created and made a Corporation and Body Politic, by the name and title of "The New-Haven Insurance Company," and by that name shall be, and are

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Insurance Company.

To hold lands &c. have a seal, make by-laws. hereby made capable in Law, to have, purchase, receive, possess and enjoy, to them and their Successors, Lands, Rents, Tenements, Hereditaments, Goods, Chattels and Effects, of what kind or quality soever, and the same to sell, grant, alien, to sue and be sued, plead and be impleaded, defend and be defended, in all Courts of this State, and other place whatsoever; and also to have and use a common Seal, and the same to break and afterwards renew at pleasure; and also to ordain and put in execution, such By-Laws and Regulations, as shall be deemed necessary and convenient, for the well ordering and governing said Corporation, not being contrary to this Charter, and the Laws of this State or of the United States; and to do and execute all and singular A&S, matters and things, which to them shall or may appertain to do, subject to the Rules, Restrictions and Provisions, herein after provided.

Capital stock not less than 50,000 dollars.

2. The Capital Stock of said Company shall consist of a sum not less than Fifty Thousand Dollars, divided into Shares of Twenty-five Dollars, which shall be paid in the following manner, (viz.) Five Dollars on each Share, within thirty Days from the time of subscribing, provided the whole subscription shall at that time amount to Fifty Thousand Dollars; Five Dollars more on each Share shall be paid by the Note of hand of the Stockholder subscribing such Share, payable within sixty Days from the time of subscribing; and the remaining fifteen Dollars on each Share, shall be paid by such Stockholder's Note of hand, payable if demanded, in whole or in part, at the expiration of four Months from the time of subscribing, or at any time afterwards, if demanded by the President and Directors, they giving thirty Days Notice that such payment is wanted; and all Notes given for the payment of any of the Instalments aforesaid, shall be payable to Order, and be indorsed to the satisfaction of the President and Directors.

Nine directors to be annually chosen.

3. That for the well ordering the affairs of said Corporation, there shall be nine Directors annually chosen from the Stockholders by ballot, on the first Monday of January in each Year, by a majority of the Votes of the Stockholders present; of which election and the place of holding the same, at least ten Days previous Notice shall be given, in a Newspaper printed in New-Haven; and the Directors at their first meeting after their election, shall choose one of their number for President.

Presidents power to call meeting.

4. The President shall have power at any time to call a special meeting of the Stockholders, giving ten Days Notice thereof, in a Newspaper printed in New-Haven; and all questions at any meeting of the Stockholders, shall be determined by a majority of Votes, allowing one Vote for every Share.

Confined to marine insurance.

5. The business of the corporation shall be wholly confined to Marine Insurance.

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6. The President and Directors, or any three of them, shall constitute a Board for transacting the business of the Company, of whom the President shall always be one (except in case of sickness or necessary absence) in which case, the Directors present shall supply his place by choosing one of their number as President for the occasion; and shall have power to appoint a Clerk, and other necessary Officers for said Corporation, with such a Salary or Compensation for their services respectively, as they may think proper; shall determine the manner of doing business, and the rules to be prescribed, to devise and alter the forms of the Policies, to be used by the Company; to loan the Money of the Company, upon such security as they shall think fit; to purchase for the Company any of the Funded Debt of the United States, or Bank Stock, and dispose of the same at their discretion; to direct the mode of subscribing Policies, taking Notes for Premiums, and keeping the Accounts of the Company; to regulate Transfers of the Stock of said Corporation, and to form all such Rules and Regulations as may be necessary and proper, for the well ordering and conducting the affairs of said Corporation; and shall once in six months make such dividend of the Profits, as they shall think proper; and at the time of such dividends, the Books of the Company shall be balanced, and shall be open to the inspection of the Stockholders:—And the Directors shall have no Salary or Compensation for their services, except the President, who shall be entitled to such allowance for his extra services, as the Directors shall judge reasonable.

President and
directors to
constitute a
board, power
to appoint
clerk, &c. fix
salary.

7. The Stockholders of said Company shall not be liable to any loss, damage or responsibility in their Persons or Property, other than the Property they may have vested in the Capital and Funds of said Corporation; and a clause expressive thereof, shall be inserted in every Policy of Insurance made by said Corporation.

Stockholders
not liable to
loss beyond
their capital
stock.

8. Elias Shipman, Stephen Alling, Joseph Drake, Isaac Beers and Elias Beers, or any three of them, are authorized to open a Subscription for the Capital Stock of said Company, at such time and place as they shall appoint; to notify the time and place of the first Meeting of said Company, and to appoint one of their number to preside at such first Meeting; and at such first Meeting the Stockholders shall have power to choose Directors, in the same manner as is provided for at their Annual Meetings; and the Directors so chosen, shall hold their Offices, with all the Powers given to Directors by this Act, until the next Annual Meeting after such choice.

Elias Shipman
&c authorized
to open a sub-
scription.

9. The Stock of said Corporation shall be transferable, according to such rules as the Directors shall institute; and every Subscriber of any Share or Shares in said Stock, who shall neglect to pay according to the Instalments aforesaid, or any of them, shall forfeit to the Corporation such Share or Shares, and all Payments made thereon, and all Profits which may have arisen therefrom.

Stock made
transferable.
Subscriber
neglecting to
pay instal-
ments to for-
feit his share.

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Insurance Company.

Policies, &c. signed by President & countersigned by clerk, binding on corporation

10. All Notes or Polices of Insurance, signed by the President and countersigned by the Clerk, shall be binding and obligatory on said Corporation, according to the terms and tenor thereof; and if payable to the Order of any Person or to Bearer, shall be assignable and negotiable according to the custom of Merchants, and the Laws relating to Inland Bills of Exchange; and all Notes made by any Subscriber for the payment of their Instalments aforesaid, and all Notes in writing which shall be made and signed after the first day of December next, by any Person or Persons, his, her or their Servant or Agent, who is usually entrusted by him, her or them, to sign such Promisory Notes for him, her or them, said Notes being given for the payment of Money only, and made payable to any Person or Persons, his or their Order, or to the Bearer, and indorsed over to said Corporation, shall be assignable or indorseable over in the same manner as Inland Bills of Exchange are, or may be, according to the custom of Merchants; and said Corporation to which the same shall be indorsed, shall and may maintain their Action thereupon, for the Money promised in said Notes, against the Person who or whose Agent as aforesaid shall sign the same, or any of the Persons who shall indorse the same, in like manner as in case of Inland Bills of Exchange.

Proviso.

Provided. That this Act may at any time be altered, amended and revoked by the General Assembly.

